



## Fort Richardson Law Center Legal Assistance Division

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# POWERS OF ATTORNEY

## 1. GENERAL

A Power of Attorney is a very powerful document where one person designates another person to act as their agent. A Power of Attorney can be very useful but, if misused, can also be damaging to the person granting the power. The grantor becomes irrevocably bound by the actions of his or her agent who uses a valid Power of Attorney. A General Power of Attorney allows the agent to do almost anything in the name of the person giving the permission.

## 2. DO I NEED A POWER OF ATTORNEY?

If you are available to manage all of your affairs, then you do not need a Power of Attorney. If you are deployed, TDY, or otherwise unavailable to conduct affairs, then you may need to give someone a Power of Attorney to conduct them for you. With a Power of Attorney, your agent can act in your place. Do not give someone a Power of Attorney unless it is absolutely necessary. Do not get a power of attorney simply because your chain of command says you need one. It is important to select a grantee who is trustworthy and reliable.

## 3. WHAT ARE THE DIFFERENT TYPES OF POWERS OF ATTORNEY?

There are two types of Powers of Attorney.

### a. General Power of Attorney

- (1) Your agent has the authority to manage and conduct all of your affairs. This includes, but is not limited to:
  - (a) Sell, lease and buy property for you.
  - (b) Enter into contracts for you.
  - (c) Represent you in any claim or litigation involving you or your interests.
  - (d) Sign and cash checks for you.
  - (e) Prepare, execute and file tax returns.
  - (f) Receive money for you.
  - (f) Receive Leave and Earnings Statements
- (2) There are limitations with a General Power of Attorney. These limitations include:
  - (a) Your grantee may not cancel any of your life insurance policies or change any of your beneficiaries.
  - (b) Your grantee may not act for you when representing someone else.
  - (c) Your grantee may not change any allotments in your paycheck.
  - (d) All Powers of Attorney are subject to the acceptance policies of the organizations with which you are dealing. Some organizations may require a special Power of Attorney.

### b. Special Power of Attorney

This is a limited Power of Attorney in which you give the grantee authority only to act for you in specific matters. For example, you can give someone a Special Power of Attorney (SPOA) to sign for Government quarters or pick up your POV. Army Emergency Relief (AER) requires a SPOA if you wish to give your agent authority to act on your behalf with AER.

c. A Comment about Powers of Attorney for use with the Finance Office

The Finance Office does not require an SPOA but it does require the use of specific language. Thus, while you can use either a General Power of Attorney (GPOA) or an SPOA with the Finance Office, the language must be specific. Dependents with GPOAs may only obtain a Leave and Earnings Statement from the Finance Office. If you want your dependent (agent) to have broader authority to deal with the Finance Office, select from the following and have it placed in your GPOA:

- |                                   |   |
|-----------------------------------|---|
| (1) Cash checks                   | (8) Change savings deposit program                      |
| (2) Start allotment               | (9) Stop savings deposit program                        |
| (3) Change allotment              | (10) Start thrift savings program                       |
| (4) Stop allotment                | (11) Change thrift savings program                      |
| (5) File claims                   | (12) Stop thrift savings program                        |
| (6) Obtain service relief loan    | (13) Stop BAH   |
| (7) Start savings deposit program | (14) Change pay options (monthly pay, direct deposit #) |

#### **4. COMPLETING A POWER OF ATTORNEY**

All Powers of Attorney MUST be completed in ink. DO NOT SIGN UNTIL YOU ARE IN THE PRESENCE OF THE NOTARY PUBLIC.

#### **5. EXPIRATION DATE**

It is US Army Alaska policy that Powers of Attorney (POA) not exceed one year. However, if you are deploying for a period of a year or more, your POA may be drafted to allow it to expire beyond the date of your expected redeployment.

#### **6. RECOMMENDATIONS OF THIS OFFICE**

- a. If you find it necessary to give someone a Power of Attorney, give the most specific, least powerful, shortest duration Power of Attorney possible.
- b. Retain a copy of the Power of Attorney for yourself. (Copies should not be certified.)
- c. Check with the person or place that you intend to have the Power of Attorney used. Make sure the Power of Attorney will be accepted and find out if any special language or instructions are necessary. Many businesses and institutions will not transact business with agents using Powers of Attorney. No law requires them to do so.
- d. Register the Power of Attorney with the Clerk of Courts at the Court House in the area where it is to be used (there is usually a fee for this).

#### **7. REVOCATION OF A POWER OF ATTORNEY**

A Power of Attorney can be revoked at any time by the grantor. The best way to revoke a Power of Attorney is to destroy it. If you cannot destroy the Power of Attorney, the next best thing is to execute a Revocation of Power of Attorney. Have a copy served on the agent named in the Power of Attorney. (You should be able to prove that the agent was served.) Furnish a copy of the revocation to any place you think the agent might use the Power of Attorney. Make notification of revocation through an advertisement in the appropriate newspaper. Register the Revocation with the Clerk of Courts where the Power of Attorney might be used.

#### **8. QUESTIONS**

Soldiers with questions concerning powers of attorney should contact their Legal Assistance Office at 384-0371 (Fort Richardson) or 353-6534 (Fort Wainwright).

**Fort Richardson Legal Assistance Office**  
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